

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAR 21 AM 9:11

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

CP

DEPUTY

ARREST ON OUT-OF-DISTRICT OFFENSE

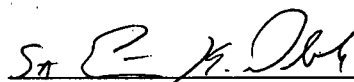
CASE NUMBER: '08 MJ 0882

The person charged as Jose Gilberto Martinez a/k/a Carlos a/k/a Charlie now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Eastern District of Louisiana with: conspiracy to possess with intent to distribute 50 grams or more of methamphetamine, in violation of: 21 U.S.C. § 846.

The charging documents and warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: March 21, 2008



Special Agent Eric Duple
Drug Enforcement Administration

Reviewed and Approved

DATE: 3/21/08



Assistant United States Attorney

AO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

EASTERN

District of

LOUISIANA

UNITED STATES OF AMERICA

V.

JOSE GILBERTO MARTINEZ

a/k/a "CARLOS"

a/k/a "CHARLIE"

WARRANT FOR ARREST

Case Number: 08-72 MAG.

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

JOSE GILBERTO MARTINEZ

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice

charging him or her with (brief description of offense)

knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to possess with the intent to distribute fifty (50) grams or more of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II narcotic drug controlled substance;

in violation of Title 21 United States Code, Section(s) 846

Honorable Louis Moore, Jr.

Name of Issuing Officer

Signature of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer

3/20/2008

Date and Location

New Orleans, Louisiana

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

DAO 91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

LOUISIANA

UNITED STATES OF AMERICA

V.

JOSE GILBERTO MARTINEZ

a/k/a "CARLOS"

a/k/a "CHARLIE"

CRIMINAL COMPLAINT

Case Number: 08-72 MAG

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Beginning at a time unknown, but prior to February 13, 2008, and continuing thereafter to and until March 19, 2008, in the EASTERN District of LOUISIANA, defendant did, knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to possess with the intent to distribute fifty (50) grams or more of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II narcotic drug controlled substance;

in violation of Title 21 United States Code, Section(s) 846

I further state that I am a(n) Special Agent, Drug Enforcement Administration and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Signature of Complainant

RAYMOND PICONE

Special Agent, Drug Enforcement Administration

Printed Name of Complainant

Sworn to before me and signed in my presence,

March 20, 2008

Date

at

NEW ORLEANS

LOUISIANA

City

State

LOUIS MOORE, JR.

U.S. MAGISTRATE JUDGE

Name of Judge

Title of Judge

Signature of Judge

AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared Special Agent Ray Picone of the Drug Enforcement Administration ("DEA"), United States Department of Justice, who, after being duly sworn, deposes and states the following information which he acknowledges as true to the best of his knowledge and belief:

1. I am a Special Agent with the DEA currently assigned to the New Orleans Field Division. I have been employed with DEA since October 2007, and I have participated in investigations involving federal drug violations during that time. As a result of my training, general knowledge, and experience as a Special Agent with the DEA, I am familiar with federal drug laws.

2. I submit this affidavit in support of a criminal complaint for **Jose Gilberto MARTINEZ**, also known as "**Carlos**," also known as "**Charlie**," charging him with the commission of one or more federal criminal offenses based upon the following facts that I have learned from my own personal investigation of this matter as well as from information supplied by other law enforcement officials. This affidavit is submitted for the limited purpose of securing a criminal complaint; therefore, I am not setting forth each and every fact known to me concerning this investigation. I am including what I believe are facts sufficient to establish probable cause for the complaint sought.

3. Based upon information from a reliable and credible confidential source ("CS#1") the DEA began an investigation into the methamphetamine drug trafficking activities of an individual known only as "**Carlos**" and/or "**Charlie**." CS #1 advised DEA agents that "**Carlos**" supplied methamphetamine to individuals who periodically traveled to California to purchase methamphetamine from him. According to CS #1, these

individuals would drive or fly into New Orleans upon returning from California with the drugs. CS #1 described "Carlos" a/k/a "Charlie" as a Mexican male in his 30's who used cellular telephones (619) 822-3160, (619) 274-6946, and (619) 573-8184.

4. Based upon information from another reliable and credible confidential source ("CS #2") agents learned that on three separate occasions between August 2007 and November 2007, an individual purchased methamphetamine from "Carlos" at a residence located near the intersection of E. 28th Street and I Street in National City, CA. CS #2 believed the address to be 841 E. 28th Street.

5. As a result of the investigation, agents learned that on or about February 13, 2008, an individual would be traveling from New Orleans to San Diego, California, to purchase methamphetamine from "Carlos." On February 13, 2008, DEA agents arrested the individual upon the individual's return to New Orleans. The individual had 388 gross grams of a mixture or substance that tested positive for the presence of methamphetamine. Review of telephone records revealed that the individual had repeatedly contacted cellular telephone number (619) 822-3160, subscribed to John Smith, 957 E. Plaza Blvd., National City, CA 91950-3523, known by agents (and confirmed by CS #1 and CS #2) to be used by "Carlos."

6. On or about February 21, 2008, DEA agents determined that the individual and "Carlos" might attempt another drug transaction in the next few weeks.

7. On or about March 19, 2008, agents learned that the individual and "Carlos" were planning to meet to conduct a transaction for the same quantity of methamphetamine that the individual had received on February 13, 2008.

8. Based in part on information from CS #1 and CS #2, DEA agents established surveillance at 841 E. 28th Street, National City, CA, observing a silver four-door Acura vehicle, bearing CA Plate 5YNW436, registered to Jose MARTINEZ, parked in the driveway, with the rear of the vehicle near the front fence.

9. At approximately 11:00 p.m. PST, agents observed the previously described silver four-door Acura vehicle, bearing CA Plate 5YNW436, registered to Jose MARTINEZ, depart the immediate vicinity of 841 E. 28th Street, National City, CA. Agents observed the vehicle travel to a Wal Mart store a few miles from the residence. Agents observed a male subject (later positively identified as Jose **MARTINEZ** a/k/a "**Carlos**" a/k/a "**Charlie**") exit the vehicle and enter the Wal Mart store. Shortly thereafter, agents observed **MARTINEZ** exit the Wal Mart store holding a white plastic bag. Agents observed **MARTINEZ** re-enter the Acura and travel directly to the Sheraton Hotel, located near the San Diego Airport.

10. At approximately 11:32 p.m. PST, agents observed **MARTINEZ** exit the vehicle and meet with the individual near front entrance of the hotel. **MARTINEZ** was carrying a white plastic bag. Agents observed **MARTINEZ** and the individual walk to and enter the elevators. Agents observed **MARTINEZ** and the individual enter Room 623 which is on the 6th floor of the hotel. Agents then observed **MARTINEZ** supply the individual with a quantity of methamphetamine for which the individual paid **MARTINEZ** \$6,400.00.

11. At approximately 11:45 p.m. PST, agents observed **MARTINEZ** exit Room 623 and walk down the hallway towards the elevators. Agents arrested **MARTINEZ** in the area in front of the elevators.

12. In a search subsequent to his arrest Agents recovered the \$6,400.00 previously given to **MARTINEZ** by the individual as payment for the methamphetamine.

Agents recovered two (2) cellular telephones from **MARTINEZ's** person, bearing the telephone numbers (619) 274-6946 and (619) 573-8184. Agents recovered a California driver's license, bearing number A5999317, in the name of Jose Gilberto **MARTINEZ**, date of birth: 2/4/70. Agents seized a Social Security Card, bearing number 547-93-2981, in the name Jose Gilberto **MARTINEZ**. **MARTINEZ** advised agents that his name was Jose Gilberto **MARTINEZ**. **MARTINEZ** advised agents that he wished not to cooperate with agents and refused to answer any questions.

13. Agents seized from Room 623 approximately one half (½) pound of methamphetamine that had been supplied to the individual by **MARTINEZ**. Agents also seized a white bag containing a vacuum sealer, athletic tape, bandage wraps, and sandwich bags, with a receipt for said items from the aforementioned Wal Mart store that **MARTINEZ** had visited prior to his meeting with the individual. The substance tested positive for methamphetamine.

14. Later, CS #1 positively identified **MARTINEZ** (known to CS #1 only as "Carlos" a/k/a "Charlie") as the Mexican male methamphetamine source of supply previously utilized by both CS #1 and CS #2.

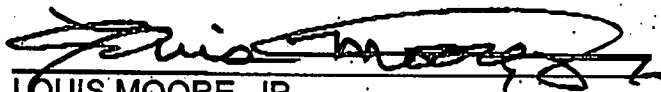
15. Based upon the above information, I submit that probable cause exists to conclude that Jose Gilberto **MARTINEZ** aka "Carlos" aka "Charlie" did conspire with persons known and unknown to distribute and to possess with the intent to distribute 50

grams or more of a mixture containing methamphetamine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841 (a)(1) and 846, respectively.



Raymond Picone
Special Agent, DEA

Subscribed to and sworn before me on
March 20, 2008, in New Orleans, Louisiana.



LOUIS MOORE, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF LOUISIANA